

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CENVEO, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 3:06-1023
LAWRENCE C. TANT, DONNA L.)	JUDGE ECHOLS
TANT, and INTERNATIONAL)	
CASSETTE CORPORATION, d/b/a)	
“ICC” and as “International Cassette”)	
and its successors,)	
)	
Defendants.)	

ORDER

For the reasons explained in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) On Cenveo’s request, the Court hereby **DISMISSES WITH PREJUDICE** Cenveo’s claims of unjust enrichment and promissory estoppel brought against Lawrence C. Tant and Donna L. Tant.

(2) Defendants Lawrence C. Tant And Donna L. Tant’s Motion For Summary Judgment (Docket Entry No. 65) is hereby **GRANTED IN PART** and **DENIED IN PART**. The Motion is **GRANTED** as to Cenveo’s claim brought against the Tants under Texas Tax Code § 171.255, which is hereby **DISMISSED WITH PREJUDICE**. The Motion is **DENIED** as to Cenveo’s claims brought against Mr. Tant for common law fraud and unfair and deceptive acts under the Tennessee Consumer Protection Act. Cenveo may proceed to trial on these two claims against Mr. Tant.

Because no claims remain against Mrs. Tant, the Court hereby DISMISSES Mrs. Tant from this lawsuit.

(3) Cenveo's Motion For Partial Summary Judgment (Docket Entry No. 62) is hereby DENIED.

(4) Defendants' Motion To Strike Or, In The Alternative, For Leave To File A Sur-Reply To Plaintiff's Reply To The Tants' Response To Cenveo's Motion For Partial Summary Judgment (Docket Entry No. 94) is hereby GRANTED. The Court hereby STRIKES the two documents Cenveo attached to its Reply in support of its Motion for Partial Summary Judgment. (Docket Entry Nos. 88-3 & 88-4.)

(5) This case will proceed to Final Pretrial Conference on **Monday, March 31, 2008, at 2:30 p.m.**, as previously scheduled. (Docket Entry No. 43, Order.)

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE